



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, OCTOBER 2, 2002**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:30 P.M.**

***A Special Meeting Is Called at 6:30 P.M. for the Purpose of  
Conducting Closed Sessions.***

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**6:30 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **OPPORTUNITY FOR PUBLIC COMMENT**

#### **CLOSED SESSION:**

**1.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

**2.**

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

**3.**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code Section 54956.8

Property: APN 817-29-004, 605 Tennant Avenue, 439 sq ft

Negotiating Parties: For Property Owners: John Lincoln, Jr, Trustee of the John Lincoln Jr. Trust; Robert E. Lincoln; John S. Lincoln

For City: Richard Hoffman; Jim Ashcraft; F. Gale Connor

Under Negotiation: Price and Terms of Payment

**4.**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code Section 54956.8

Property: APN 817-08-026, 740 Tennant Avenue, 23.250 sq ft

Negotiating Parties: For Property Owners: Arthur A. & Susan A. Biederman

For City: Richard Hoffman; Jim Ashcraft; F. Gale Connor

Under Negotiation: Price and Terms of Payment

**5.**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code Section 54956.8

Property: APN 817-58-009, 16550 Railroad Avenue, 22.146 sq ft

Negotiating Parties: For Property Owners: Dieter Folk; Steven P. Belzer

For City: Richard Hoffman; Jim Ashcraft; F. Gale Connor

Under Negotiation: Price and Terms of Payment

**6.**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Legal Authority:	Government Code Section 54956.8
Property:	APN 817-59-006, 16610 Cory Lane, 303 sq ft
Negotiating Parties:	For Property Owners: Gary and Donita R. Cupps For City: Richard Hoffman; Jim Ashcraft; F. Gale Connor
Under Negotiation:	Price and Terms of Payment

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**INTRODUCTION**

Deborah Boss, Event Coordinator

**PROCLAMATION**

*Domestic Violence Awareness*  
Lisa Ramos, Community Solutions

**CITY COUNCIL REPORT**

Mayor Pro Tem Carr

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY  
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## City Council Action

### CONSENT CALENDAR:

**ITEMS (1 - 4)** The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate	Page
	<b>Consent Calendar: 1 - 10 Minutes</b>	
1)	<b><u>WAIVE READING OF ORDINANCE NO. 1584, NEW SERIES</u></b> ..... 1 <b>Recommended Action(s):</b> <u>Approve</u> and <u>Waive</u> the Reading of Ordinance No. 1584, N.S. and Declare that Said Title, which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; title as follows: An Ordinance of the City Council of the City of Morgan Hill Amending Section 17.50.094 (Imposition of Development Fees) of Chapter 17.50 (Vesting Tentative Maps) of Title 17 (Subdivisions) of the Municipal Code of the City of Morgan Hill Regarding Payment of Development Impact Fees	
2)	<b><u>PROCLAMATION FOR LAWSUIT ABUSE AWARENESS WEEK</u></b> ..... 5 <b>Recommended Action(s):</b> <u>Approve</u> Proclamation Proclaiming September 20 - October 2, 2002 as <i>Lawsuit Abuse Awareness Week</i> .	
3)	<b><u>MURPHY AVENUE CORRIDOR STUDY – AMENDMENT OF SCOPE OF WORK AND BUDGET</u></b> ..... 9 <b>Recommended Action(s):</b> <u>Authorize</u> the City Manager to Amend the Consultant Services Agreement with Fehr and Peers Associates, for the Murphy Avenue Corridor Study, to Incorporate a Revised Scope of Work and Budget Increase of \$36,540, Subject to City Attorney Approval.	
4)	<b><u>APPROVE PURCHASE ORDERS FOR THE FURNISHINGS, FIXTURES AND EQUIPMENT (FF&amp;E) AT THE COMMUNITY AND CULTURAL CENTER</u></b> ..... 21 <b>Recommended Action(s):</b> 1. <u>Authorize</u> the City Manager to Approve a Purchase Order in the Amount of \$340,044 with Office Products and Interiors (OPI) for Furnishings, Fixtures and Equipment (FF&E) at the Community & Cultural Center; and 2. <u>Authorize</u> the City Manager to Approve a Purchase Order in the Amount of \$26,477 with Ceitronics for Voice and Data Cabling at the Community & Cultural Center.	

### CONSENT CALENDAR:

#### **ITEM 5 (Conflict of Interest)**

	Time Estimate	Page
	<b>Consent Calendar: 1 - 10 Minutes</b>	
5)	<b><u>ACCEPTANCE OF MONTEREY/KEYSTONE SEWER AND WATER REPLACEMENT PROJECT</u></b> ..... 49 <b>Recommended Action(s):</b> 1. <u>Accept</u> as Complete the Monterey/Keystone Sewer and Water Replacement Project in the Final Amount of \$292,715.21; and 2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 6**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
6)	<b><u>APPROVAL OF MORGAN HILL UNIFIED SCHOOL DISTRICT (MHUSD) REQUEST TO USE A PORTION OF BUTTERFIELD CHANNEL FOR STORM DRAINAGE RETENTION FROM EL TORO SCHOOL</u></b> .....	53
	<b>Recommended Action(s): <u>Approve</u></b> Request and <b><u>Authorize</u></b> the Executive Director to Execute Letter Transferring Storm Drain Retention Capacity in Butterfield Channel.	

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 7 - 9**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
7)	<b><u>CARRYOVER OF ENCUMBRANCES</u></b> .....	61
	<b>Recommended Action(s): <u>Accept</u> and <u>File</u></b> Report.	
8)	<b><u>RE-BUDGETING CARRYOVER 2001/02 PROJECTS</u></b> .....	85
	<b>Recommended Action(s): <u>Approve</u></b> the Budget Scorecard Forms Re-budgeting 2001/02 Project Costs in the 2002/03 Fiscal Year.	
9)	<b><u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 18, 2002</u></b> .....	103

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>	<b>Page</b>
10)	<b>10 minutes</b>	
	<b><u>URBAN LIMIT LINE (GREENBELT) STUDY WORK PROGRAM</u></b> .....	127
	<b>Recommended Action(s): <u>Authorize</u></b> the City Manager to Initiate the Consultant Selection Process for Undertaking an Urban Limit Line (Greenbelt) Study Consistent with the Work Program.	

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
11)	30 minutes	<b><u>PRESENTATION: AQUATICS COMPLEX MASTER PLAN, SCHEDULE, PHASING PROPOSAL AND SUB-COMMITTEE APPROVAL</u></b> .....	137
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Receive</u></b> Presentation of the Conceptual Master Plan as Presented by ELS and Comment and <b><u>Approve</u></b> the Conceptual Master Plan;	
		2. <b><u>Review</u></b> and <b><u>Adopt</u></b> Design and Construction Schedule for Phase One of the Aquatic Complex;	
		3. <b><u>Receive</u></b> Proposal on Design for Additional Phases Two and Three; and	
		4. <b><u>Select</u></b> a Design Subcommittee.	

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**